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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,144	09/17/2003	Udo Schutz	PR-48	3491

7590 03/24/2006  
Friedrich Kueffner  
317 Madison Avenue  
New York, NY 10017

EXAMINER

NGUYEN, DANNY

ART UNIT PAPER NUMBER

2836

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/664,144

Applicant(s)

SCHUTZ, UDO

Examiner

Danny Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 9-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/17/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because the drawings do not support for the claims 14 and 15.

### ***Claim Objections***

2. Claims 14 and 15 are objected to because of the following informalities: lines 15, 16, in claim 14, and page 16, line 13 of claim 15 "a barrel body" should be "the barrel body". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, the phrase "extruding a single layer or co-extruding a multi layer hose shaped blank of non conducting base material" is indefinite.

In claim 15, the phrase "extruding a single layer or co-extruding a multi layer hose shaped blank in a extruder head" is indefinite.

In claim 15, the term "injecting into gaps" is unclear.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Phillip Andrew Wallis (UKPN 2,219,270, hereinafter Phillip).

Regarding claims 1, 5, Phillip discloses a plastic barrel (figure 1) comprises a barrel body (11) having an inner surface and an outer surface, the barrel body having sections (17) integrated into the body, wherein the sections are comprised of electrical conducting plastic material (page 5, lines 6-14), and the sections form electric connections between the inner and outer surfaces of the body (the sections 17 form electric connections between the inner surface of the top 12 and the outer surface of the body 11, see figure 1).

Regarding claim 2, Phillip discloses the sections are strip-shaped and a thickness matching a wall thickness of the body (see figure 2).

Regarding claim 3, Phillip discloses the barrel body has a cylindrical jacket, the sections (17) extend parallel to a longitudinal axis of the barrel body (11) across the cylindrical jacket of the body.

Regarding claim 4, Phillip discloses the sections (17) extend radially across a top of the body.

Regarding claim 6, Phillip discloses the body (11) is made of high density polyethylene (page 4, lines 20-22).

Regarding claim 13, Phillip discloses the sections are comprised of high density polyethylene containing carbon black (page 5, lines 10-14).

Regarding claims 14, 15, Phillip discloses a method for manufacturing a plastic barrel comprises a barrel body (11) having an inner surface and an outer surface (see abstract), the barrel body having sections (17) integrated into the body, wherein the sections are comprised of electrical conducting plastic material (page 5, lines 6-14), and the sections form electric connections between the inner and outer surfaces of the body (the sections 17 form electric connections between the inner surface of the top 12 and the outer surface of the body 11, see figure 1). The method comprises extruding a single layer, blow molding the blank with the strips (17) to the barrel body (e.g. see page 4, lines 20-27).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillip in view of Havens et al (USPN 4,848,566). Phillip discloses all limitations of claim 1 as discussed above, but Phillip does not teach an inner layer, a center layer, and an antistatic layer as claimed. Havens discloses a container (18) comprises an inner layer (16), a center layer (14), and an antistatic layer (12) (see figure 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the container of Phillip to incorporate the inner layer, the center layer, and the antistatic layer as disclosed by Havens in order to eliminate danger of sparking and

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provide a strong structure to the parison during blow molding process (col. 8, lines 14-17, lines 62-64).

***Allowable Subject Matter***

6. Claims 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Nguyen whose telephone number is (571)-272-2054. The examiner can normally be reached on Mon to Fri 8:00 AM to 4:30 PM.

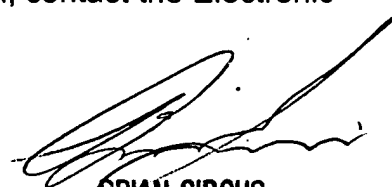
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)-272-2058. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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3/15/2006



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